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Attorney for Defendant
ROYAL OAK BAR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL BEAL and ASHLEY JACKSON,
Plaintiffs,

vs.

ROYAL OAK BAR, and ARES
PAPAGEORGE,
Defendants.

ROYAL OAK BAR, a California Corp. and
ARES PAPAGEORGE,

Cross-Complainants

vs.

MICHAEL BEAL and ASHLEY JACKSON,

Cross-Defendants.

Case No.: 3:13-cv-04911-LB

**JOINT CASE MANAGEMENT
STATEMENT**

Date: June 9, 2016
Time: 9:30 a.m.
Courtroom: C - 15th Floor

Honorable Laurel Beeler

1 Defendants ROYAL OAK BAR and ARES PAPAGEORGE (collectively and
 2 hereinafter “Defendants”) submit this updated Joint Case Management Conference Statement.
 3 The original introduction entitled “Plaintiffs’ Statement” (set off by ***) was prepared by
 4 Plaintiffs and provided to Defendants for supplementation Thursday mid-afternoon. The
 5 balance of the statement, including the proposed schedule, was prepared by Defendants and
 6 transmitted to Plaintiffs’ counsel for review and comment at approximately 1 p.m. today; as of
 7 the time of filing, Plaintiffs’ counsel had not confirmed agreement with the content and
 8 Defendants expect that Plaintiffs’ schedule did not provide an opportunity for comment.
 9 Accordingly, Defendants submit this statement with the expectation that Plaintiffs may
 10 supplement and/or amend their original Statement.

11 ***

12 Plaintiffs, MICHAEL BEAL and ASHLEY JACKSON BEAL (collectively and
 13 hereinafter “Plaintiffs”), and Defendants), hereby submit the following updated Joint Case
 14 Management Conference Statement.

15 **Plaintiffs’ Statement**

16 On May 20, 2016, Defendants served initial disclosures. The parties have not been able
 17 to come mutually agreeable terms regarding the stipulated protective order pertaining to the
 18 collection of MICHAEL BEALS’s DNA sample. Alternatively, Plaintiffs are willing to stipulate
 19 to Mr. BEAL’s blood being found inside the premises of Royal Oak Bar. However, they will not
 20 stipulate to the blood being located behind the bar.

21 ***

22 **Defendants’ Statement**

23 After confirmation on April 29, 2016 from Plaintiffs that initial disclosures had not been
 24 exchanged in this case, Defendants served their initial disclosures.

25 With respect to the DNA buccal specimen ordered on April 29, 2013, on February 3,
 26 2016, this Court directed the parties to “work this out so that the DNA specimen can be
 27 provided at the collection site.” Plaintiffs’ counsel assured that this could be worked out;
 28

1 counsel for the Royal Oak provided exhaustive information regarding prospective testing sites
2 per Plaintiffs' request and spent several hours working with the testing sites and experts. Two
3 months later, at the April 7, 2016 case management conference, Plaintiffs' counsel raised, for
4 the first time, his client's concern that the test sample be confidential and limited in use to this
5 litigation. Despite the fact that the April 29, 2013 order (attached at pp. A-1-A-2) expressly
6 provided those protections, this Court addressed Plaintiffs' concerns by directing the parties to
7 enter into a protective order that would cover the sample.

8 On April 11, 2016, Plaintiffs' counsel sent an email with a form of proposed protective
9 order for review (attached at pp. A-3 – A-4). On April 22, 2016, counsel for the Royal Oak
10 circulated a red-lined, revised form of order with very limited revisions, together with an
11 explanatory cover email (attached at pp. A-5 – A-14). On April 27, 2016, having received no
12 response from Plaintiffs, counsel for the Royal Oak again inquired as to the status of the
13 protective order. (see page A-5, attached). At the May 5, 2016 case management conference,
14 Defendants rejected Plaintiffs' new proposal for a stipulation in lieu of the sample. There is no
15 legitimate basis to revisit an order that is well over three years old and never challenged until
16 recently. Regardless, Plaintiff seems to believe that the orders of two Courts may be changed
17 by his fiat and continues to refuse to respond to the modest changes proposed to the protective
18 order. (See pages A-15 – A-17, attached).

19 As this Court acknowledged in our case management conferences two years ago, the
20 testing is vital not only to trial but to settlement of this matter. Accordingly, the sample needs to
21 be submitted promptly so that the results and comparative testing with the stain sample from the
22 flooring in the back bar (45-60 days) may be completed before the September 7, 2016 case
23 management conference.

24 The most recent four-month delay in obtaining the ordered *and agreed upon* DNA
25 sample, together with the trial set for November 14, 2016 in the related case (an attorneys' fee
26 collection case set in San Francisco Superior Court) necessitate a rather lengthy extension of the
27 previous schedule.

28 ///

Defendants' Proposed Schedule

Event	Previously Set	Proposed Date
Mandatory Settlement Conference	Completed	9/7/2016(set)
ADR completion date	Completed	n/a
Motions re: Sanctions Awards to Defendants	TBD	6/9/2016 (motion for leave to file; substantive motion date, if any, TBD)
Non-expert discovery completion date	2/1/2016	6/20/2016 (deadline to submit outstanding DNA sample)
Expert disclosures required by Federal Rules of Civil Procedure	2/15/2016	9/1/2016 (based on timely submittal of DNA)
Rebuttal expert disclosures	2/29/2016	9/15/16
Expert discovery completion date	3/31/2016	10/17/2016
Last hearing date for dispositive motions and/or further case management conference	4/15/2016, at 9:30 a.m.	n/a
Meet and confer re pretrial filings	5/30/2016	11/21/2016
Pretrial filings due	6/9/2016	12/1/2016
Oppositions, Objections, Exhibits, and Depo Designations	6/16/2016	12/8/2016
Final Pretrial Conference	6/30/2016, at 11:00 a.m.	12/22/2016, at 11:00 a.m.
Trial (5 days)	7/18/2016, at 8:30 a.m.	1/16/2016, at 8:30 a.m.

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DATED: June 3, 2016

LAW OFFICES OF JOHN L. BURRIS

By: _____
DeWitt M. Lacy
Attorney for Plaintiffs
MICHAEL BEAL
ASHLEY JACKSON BEAL

DATED: June 3, 2016

NORTH BEACH LAW
By: /s/ Stella Fey Epling
STELLA FEY EPLING
Counsel for Defendant
ROYAL OAK BAR

DATED: June __, 2016

By: /s/ Ares Papageorge
Defendant **ARES PAPAGEORGE**